

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GS HOLISTIC, LLC,	:	
Plaintiff,		Case No. 2:23-cv-3931
v.	:	Judge Walter H. Rice
TK HAMILTON INC., d/b/a		Mag. Judge Michael R. Merz
Tobacco King, <i>et al.</i> ,	:	
Defendants.		

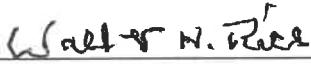
ORDER OVERRULING AS MOOT MOTION TO DISMISS OF
DEFENDANT SALEH SALIM (DOC. #39) WITHOUT PREJUDICE TO
REFILING IN RESPONSE TO THE AMENDED COMPLAINT OF
PLAINTIFF GS HOLISTIC, LLC (DOC. #40)

On November 27, 2023, Plaintiff GS Holistic, LLC filed its initial Complaint against Defendants TK Hamilton Inc., d/b/a Tobacco King, Nasser Nasser, and Saleh Salim. (Doc. #1). Nasser was voluntarily dismissed from the case on August 12, 2024 (Notice, Doc. #13), and after several extensions of time to respond, on May 19, 2025, TK Hamilton filed an Answer (Doc. #38), and Salim filed a Motion to Dismiss. (Doc. #39). On June 2, 2025, Plaintiff filed an Amended Complaint (Doc. #40) as a matter of course, because it did so within the twenty-one day period after service of a Rule 12 motion when, as here, the Defendants had not previously answered the initial Complaint. Fed.R.Civ.P. 15(a)(1)(B). As “an amended complaint supercedes [*sic*] all prior complaints” *Drake v. City of*

Detroit, Mich., 266 F. App'x 444, 448 (6th Cir. 2008), the subject of the Motion—the initial Complaint—is a nullity and no longer at issue. Accordingly, the Motion to Dismiss is OVERRULED AS MOOT, without prejudice to renewal in response to the Amended Complaint.

IT IS SO ORDERED.

June 4, 2025



WALTER H. RICE, JUDGE
UNITED STATES DISTRICT COURT